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JUN 25 2008

DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE



STATE OF WASHINGTON

APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM

SCHAAKE SUB 9

NOTE: THIS FORM IS ONLY TO BE USED FOR THE
ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

(Check all that apply.)

- ☐ Lease
☐ Purchase
☒ Donation
☐ Other

Explain: To the trust program for instream flow enhancement use on a long-term renewable basis, as defined in the MOA currently being negotiated between Reclamation and Ecology that will define each agency's roles in joint management of Yakima Basin trust water rights.

☐ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE ____/____/____
END DATE ____/____/____

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information:

APPLICANT/BUSINESS NAME United States Bureau of Reclamation	PHONE NO. (509) 575-5848, ext. 209 (Walter Larrick)	FAX NO. (509) 454-5611
ADDRESS 1917 Marsh Road		
CITY Yakima	STATE WA	ZIP CODE 98901-2058
CONTACT NAME (IF DIFFERENT FROM ABOVE) Stan Isley	PHONE NO. (509) 575-5848, ext. 281	FAX NO. (509) 454-5611
ADDRESS c/o USBR, 1917 Marsh Road		
CITY Yakima	STATE WA	ZIP CODE 98901-2058

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER Court Claim No. 01444	RECORDED NAME(S) US Bureau of Reclamation (former SchaaKe Packing Company)
DO YOU OWN THE RIGHT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS	

Court Claim 01444 SchaaKe Sub 9
Sub 9 Wilson-Naneum
12-28-1887

GR-01444-0107-2P

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

FOR OFFICE USE ONLY

WATER RIGHT NO. _____ FILE (contract) NO. _____

This December 28, 1887 priority water right was exercised fully (0.26 cfs, 55.9 af/yr for irrigation of 13 acres and stock water, of water from Wilson Creek, from April 1 through October 31 each year) by Schaaque Packing Company prior to its sale of the water right to the US Bureau of Reclamation in a sale that closed on August 6, 2003. This water right was confirmed in this quantity by the Yakima Adjudication Court's entry of the Conditional Final Order (CFO) for Subbasin No. 9 (Wilson Creek) on April 17, 2006. The Adjudication Court's June 14, 2007 Order Pendente Lite (OPL) transferred this water right to instream flow enhancement use in Wilson Creek and the Yakima River.

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3. How is Water to be Made Available for Trust?

<input type="checkbox"/> Alteration in method of diversion	<input checked="" type="checkbox"/> Alteration in water use/ irrigated acreage
<input type="checkbox"/> Alteration in method of delivery/conveyance	<input type="checkbox"/> Nonuse of one or more points of diversion
<input type="checkbox"/> Alteration in method of water application	<input type="checkbox"/> Nonuse of all or a portion of the named water right
<input type="checkbox"/> Alteration in type of crop	<input type="checkbox"/> Other, Explain below:
Name of funding source(s): Federal YRBWEP funding	

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

39 Kett

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Wilson Creek		SE	SE	11	17N	18E		

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 7 (remarks) or as an attachment.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Court-confirmed irrigation and stock water right, 4/17/06 CFO for Subbasin No. 9 (Wilson Creek)	0.26 cfs	55.9 af/yr for irrigation of 13 acres and stock water	April 1 through Oct 31
06/14/07 Court OPL transferred this right to instream flow use.	same	same	same

B. Proposed Purpose of the Trust Water Right:

DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST:	
PURPOSE OF USE	ACRE-FEET/YR
Instream flow enhancement use in Wilson Creek from the original POD, downstream to Wilson Creek's confluence with the Yakima River, then downstream in the Yakima River to the Yakima River's confluence with the Columbia River, then downstream in the Columbia River to the Pacific Ocean.	55.9 af/yr (all of the right)

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
That portion of the W½NW¼NE¼NE¼ and the NW¼NE¼ of Section 14, T. 17 N., R. 18 E.W.M., lying westerly of Wilson Creek and south and east of the parcel bounded by a line described as follows:... (see attached legal description of POU as confirmed by the Court).							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
N½	NE¼	14	17N	18E	Kittitas		13
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							

* If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.

6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
<u>Wilson Creek, from the historic POD, downstream to Wilson Creek's confluence with the Yakima River, then downstream in the Yakima River to the Yakima River's confluence with the Columbia River, then downstream in the Columbia River to the Pacific Ocean. .</u>

7. Remarks and Other Relevant Information:

Wilson Creek POD: 750 feet north and 1000 feet west from the southeast corner of Section 11, being within the SE¼SE¼ of Section 11, T. 17 N., R. 18 E.W.M.
This application requests Ecology's long-term assignment of 100% of this USBR/former Schaake Packing Company irrigation and stock water supply water right to the State Trust Water Rights Program for instream flow enhancement use in Wilson Creek and in the Yakima and Columbia Rivers, under a long-term renewable term basis, as defined in the MOA currently being negotiated between Reclamation and Ecology that will define each agency's roles in joint management of Yakima Basin trust water rights. Ecology's placement of this water right into the State Trust Water Rights Program on a long-term renewable basis will act to partially satisfy the common instream flow enhancement goals of each agency, in perpetuity, under the federal Yakima River Basin Water Enhancement Project (YRBWEP) Act and the State Water Acquisition Program.
This water right is one of two irrigation water rights Reclamation YRBWEP acquired from the Schaake Packing Company on August 6, 2003. Reclamation is concurrently filing another trust water application for the other Reclamation/former Schaake Packing Company water right (a Subbasin No. 7 Yakima River water right) and requests that Ecology place both of the two Reclamation/former Schaake Packing Company water rights into the State Trust Water Rights Program for instream flow enhancement trust water right use.
The priority date of this water right is December 28, 1887.

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

6. Place of Use (continued)

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Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

Dan Wilbur 5/21/08
(Applicant) (Date)

Dan Wilbur 5/21/08
(Water Right Holder) (Date)

Dan Wilbur 5/21/08
(Land Owner(s) of Existing Place of Use) (Date)

IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE
☐ OTHER/EXPLANATION: _____

STAFF: _____ **DATE:** ____/____/____